

106TH CONGRESS
2D SESSION

S. 3272

To establish the Great Basin National Heritage Area, Nevada and Utah.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, SEPTEMBER 22), 2000

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Great Basin National Heritage Area,
Nevada and Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Basin National
5 Heritage Area Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the natural, cultural, and historic heritage
9 of the North American Great Basin is nationally sig-
10 nificant;

1 (2) communities in the Great Basin (including
 2 the towns of Delta, Utah, and Baker, Ely, Eureka,
 3 and Austin, Nevada) are located in a classic western
 4 landscape that contains long natural vistas, isolated
 5 high desert valleys, mountain ranges, ranches,
 6 mines, historic railroads, archaeological sites, and
 7 tribal communities;

8 (3) the Native American, pioneer, ranching,
 9 mining, timber, and railroad heritages in the Great
 10 Basin include the social history and living cultural
 11 traditions of a rich diversity of nationalities;

12 (4) the pioneer, Mormon settlement, ranching,
 13 timber, and mining activities of the region played a
 14 significant role in the development of the United
 15 States, shaped by—

16 (A) the unique geography of the Great
 17 Basin;

18 (B) an influx of people of Greek, Chinese,
 19 Basque, Serb, Croat, Italian, and Hispanic de-
 20 scend; and

21 (C) a Native American presence (Western
 22 Shoshone, Northern Paiute, and Goshute) that
 23 continues in the Great Basin today;

24 (5) the Great Basin housed internment camps
 25 for Japanese-American citizens during World War

1 II, 1 of which, Topaz, was located within the Herit-
2 age Area;

3 (6) the pioneer heritage of the Heritage Area
4 includes the Pony Express route and stations, the
5 Overland Stage, and many examples of 19th-century
6 exploration of the western United States;

7 (7) the Native American heritage of the Herit-
8 age Area dates back thousands of years and
9 includes—

10 (A) archaeological sites;

11 (B) petroglyphs and pictographs;

12 (C) the westernmost village of the Fremont
13 culture; and

14 (D) communities of Western Shoshone and
15 Goshute tribes;

16 (8) the Heritage Area contains multiple bio-
17 logically diverse ecological communities that are
18 home to exceptional species such as—

19 (A) bristlecone pines, the oldest living trees
20 in the world;

21 (B) wildlife adapted to harsh desert condi-
22 tions;

23 (C) unique plant communities, lakes, and
24 streams; and

25 (D) native Bonneville cutthroat trout;

1 (9) the air and water quality of the Heritage
2 Area is among the best in the United States, and
3 the clear air permits outstanding viewing of night
4 skies;

5 (10) the Heritage Area includes unique and
6 outstanding geologic features such as numerous
7 limestone caves, classic basin and range topography
8 with playa lakes, alluvial fans, volcanics, cold and
9 hot springs, and recognizable features of ancient
10 Lake Bonneville;

11 (11) the Heritage Area includes an unusual va-
12 riety of open space and recreational and educational
13 opportunities because of the great quantity of ranch-
14 ing activity and public land (including city, county,
15 and State parks, national forests, Bureau of Land
16 Management land, and national parks);

17 (12) there are significant archaeological, histor-
18 ical, cultural, natural, scenic, and recreational re-
19 sources in the Great Basin to merit the involvement
20 of the Federal Government in the development, in
21 cooperation with the Great Basin Heritage Area
22 Partnership and other local and governmental enti-
23 ties, of programs and projects to—

1 (A) adequately conserve, protect, and in-
2 terpret the heritage of the Great Basin for fu-
3 ture generations; and

4 (B) provide opportunities in the Great
5 Basin for education; and

6 (13) the Great Basin Heritage Area Partner-
7 ship should serve as the management entity for a
8 Heritage Area established in the Great Basin.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to foster a close working relationship with
11 all levels of government, the private sector, and the
12 local communities along the United States Highway
13 50 corridor from Austin, Nevada, to Delta, Utah;

14 (2) to enable communities referred to in para-
15 graph (1) to conserve their heritage while continuing
16 to pursue economic opportunities; and

17 (3) to conserve, interpret, and develop the ar-
18 chaeological, historical, cultural, natural, scenic, and
19 recreational resources related to the unique ranch-
20 ing, industrial, and cultural heritage of the Great
21 Basin, in a manner that does not exclude multiple
22 uses permitted as of the date of enactment of this
23 Act.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) GREAT BASIN.—The term “Great Basin”
 2 means the North American Great Basin, comprised
 3 of the towns, and areas along the United States
 4 Highway 50 corridor between the towns, of Delta,
 5 Utah, and Baker, Ely, Eureka and Austin, Nevada.

6 (2) HERITAGE AREA.—The term “Heritage
 7 Area” means the Great Basin National Heritage
 8 Area established by section 4(a).

9 (3) MANAGEMENT ENTITY.—The term “man-
 10 agement entity” means the management entity for
 11 the Heritage Area designated by section 4(c).

12 (4) MANAGEMENT PLAN.—The term “manage-
 13 ment plan” means the plan developed by the man-
 14 agement entity under section 6(a).

15 (5) SECRETARY.—The term “Secretary” means
 16 the Secretary of the Interior, acting through the Di-
 17 rector of the National Park Service.

18 **SEC. 4. GREAT BASIN NATIONAL HERITAGE AREA.**

19 (a) ESTABLISHMENT.—There is established the
 20 Great Basin National Heritage Area.

21 (b) COMPOSITION.—The Heritage Area shall be a
 22 corridor in Lander County, Eureka County, and White
 23 Pine County, Nevada, and Millard County, Utah, delin-
 24 eated under section 5(b)(1).

1 (c) MANAGEMENT ENTITY.—As a condition for the
2 receipt of Federal funds under this Act, the Great Basin
3 Heritage Area Partnership shall serve as the management
4 entity for the Heritage Area.

5 **SEC. 5. MEMORANDUM OF UNDERSTANDING.**

6 (a) IN GENERAL.—In carrying out this Act, the Sec-
7 retary, in consultation with the Governors of the States
8 of Nevada and Utah, shall enter into a memorandum of
9 understanding with the management entity.

10 (b) INCLUSIONS.—The memorandum of under-
11 standing shall include information relating to the objec-
12 tives and management of the Heritage Area, including—

13 (1) a delineation of the boundaries of the Herit-
14 age Area (including the boundaries of the counties
15 referred to in section 4(b));

16 (2) a discussion of the goals and objectives of
17 the Heritage Area, including—

18 (A) an explanation of the proposed ap-
19 proach to conservation and interpretation; and

20 (B) a general outline of the anticipated
21 protection measures;

22 (3) a description of the management entity;

23 (4) a list and statement of the financial com-
24 mitment of the initial partners to be involved in de-

1 veloping and implementing the management plan;
2 and

3 (5) a description of the role of the States of Ne-
4 vada and Utah in the management of the Heritage
5 Area.

6 (c) ADDITIONAL REQUIREMENTS.—In developing the
7 terms of the memorandum of understanding, the Sec-
8 retary and the management entity shall—

9 (1) provide opportunities for public participa-
10 tion; and

11 (2) include terms that ensure, to the maximum
12 extent practicable, timely implementation of all as-
13 pects of the memorandum of understanding.

14 (d) AMENDMENTS.—

15 (1) IN GENERAL.—The Secretary shall review
16 any amendments of the memorandum of under-
17 standing proposed by the management entity or the
18 Governor of the State of Nevada or Utah.

19 (2) USE OF FUNDS.—Funds made available
20 under this Act shall not be expended to implement
21 a change made by a proposed amendment described
22 in paragraph (1) until the Secretary approves the
23 amendment.

1 **SEC. 6. MANAGEMENT PLAN.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, the management entity may
4 develop and submit to the Secretary for approval a man-
5 agement plan for the Heritage Area that presents clear
6 and comprehensive recommendations for the conservation,
7 funding, management, and development of the Heritage
8 Area.

9 (b) CONSIDERATIONS.—In developing the manage-
10 ment plan, the management entity shall—

11 (1) provide for the participation of residents,
12 public agencies, and private organizations in the pro-
13 tection of resources of the Heritage Area, taking
14 into consideration State, county, and local land use
15 plans in existence on the date of enactment of this
16 Act;

17 (2) identify sources of funding; and

18 (3) include—

19 (A) an inventory of the archaeological, his-
20 torical, cultural, natural, scenic, and rec-
21 reational resources contained in the Heritage
22 Area, including a list of property that—

23 (i) is related to the themes of the
24 Heritage Area; and

25 (ii) should be preserved, restored,
26 managed, developed, or maintained because

1 of the archaeological, historical, cultural,
2 natural, scenic, and recreational signifi-
3 cance of the property;

4 (B) a program for implementation of the
5 management plan by the management entity,
6 including—

7 (i) plans for restoration and construc-
8 tion; and

9 (ii) specific commitments by the iden-
10 tified partners referred to in section
11 5(b)(4) for the first 5 years of operation;
12 and

13 (C) an interpretation plan for the Heritage
14 Area.

15 (c) FAILURE TO SUBMIT.—If the management entity
16 fails to submit a management plan to the Secretary in ac-
17 cordance with subsection (a), the Heritage Area shall no
18 longer qualify for Federal funding.

19 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
20 PLAN.—

21 (1) IN GENERAL.—Not later than 90 days after
22 receipt of a management plan under subsection (a),
23 the Secretary, in consultation with the Governors of
24 the States of Nevada and Utah, shall approve or dis-
25 approve the management plan.

1 (2) CRITERIA.—In determining whether to ap-
2 prove a management plan, the Secretary shall con-
3 sider whether the management plan—

4 (A) has strong local support from a diver-
5 sity of landowners, business interests, nonprofit
6 organizations, and governments within the Her-
7 itage Area;

8 (B) is consistent with and complements
9 continued economic activity in the Heritage
10 Area;

11 (C) has a high potential for effective part-
12 nership mechanisms;

13 (D) may cause improper infringement on
14 private property rights; and

15 (E) provides methods to take appropriate
16 action to ensure that private property rights are
17 observed.

18 (3) ACTION FOLLOWING DISAPPROVAL.—If the
19 Secretary disapproves a management plan under
20 subsection (d)(1), the Secretary shall—

21 (A) advise the management entity in writ-
22 ing of the reasons for the disapproval;

23 (B) make recommendations for revisions to
24 the management plan; and

1 (C) not later than 90 days after the receipt
2 of any proposed revision of the management
3 plan from the management entity, approve or
4 disapprove the proposed revision.

5 (e) IMPLEMENTATION.—On approval of the manage-
6 ment plan as provided in section 6(d)(1), the Secretary,
7 in conjunction with the management entity, shall take ap-
8 propriate steps to implement the management plan.

9 (f) AMENDMENTS.—

10 (1) IN GENERAL.—The Secretary shall review
11 each amendment to the management plan that the
12 Secretary determines may make a substantial
13 change to the management plan.

14 (2) USE OF FUNDS.—Funds made available
15 under this Act shall not be expended to implement
16 an amendment described in paragraph (1) until the
17 Secretary approves the amendment.

18 **SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.**

19 (a) AUTHORITIES.—The management entity may, for
20 purposes of preparing and implementing the management
21 plan, use funds made available under this Act to—

22 (1) make loans and grants to, and enter into
23 cooperative agreements with, a State (including a
24 political subdivision), a private organization, or any
25 person; and

1 (2) hire and compensate staff.

2 (b) DUTIES.—In addition to developing the manage-
3 ment plan, the management entity shall—

4 (1) give priority to implementing the memo-
5 randum of understanding and the management plan,
6 including taking steps to—

7 (A) assist units of government, regional
8 planning organizations, and nonprofit organiza-
9 tions in—

10 (i) preserving the Heritage Area;

11 (ii) establishing and maintaining in-
12 terpretive exhibits in the Heritage Area;

13 (iii) developing recreational resources
14 in the Heritage Area;

15 (iv) increasing public awareness of
16 and appreciation for the archaeological,
17 historical, cultural, natural, scenic, and
18 recreational resources and sites in the Her-
19 itage Area; and

20 (v) restoring any historical building
21 relating to the themes of the Heritage
22 Area;

23 (B) encourage economic viability in the
24 Heritage Area in accordance with the objectives
25 of the management plan;

1 (C) encourage local governments to adopt
2 land use policies consistent with the manage-
3 ment of the Heritage Area and the objectives of
4 the management plan; and

5 (D) ensure that clear, consistent, and envi-
6 ronmentally appropriate signage identifying ac-
7 cess points and sites of interest are installed
8 throughout the Heritage Area;

9 (2) consider the interests of diverse govern-
10 mental, business, and nonprofit groups within the
11 Heritage Area;

12 (3) conduct public meetings at least quarterly
13 regarding the implementation of the management
14 plan;

15 (4) submit substantial amendments (including
16 any increase of more than 20 percent in the cost es-
17 timates for implementation) to the management plan
18 to the Secretary for approval by the Secretary;

19 (5) for any year for which Federal funds are re-
20 ceived under this Act—

21 (A) submit to the Secretary a report that
22 describes, for the year—

23 (i) the accomplishments of the man-
24 agement entity;

1 (ii) the expenses and income of the
2 management entity; and

3 (iii) each entity to which any loan or
4 grant was made;

5 (B) make available for audit all records
6 pertaining to the expenditure of the funds and
7 any matching funds; and

8 (C) require, for all agreements authorizing
9 the expenditure of Federal funds by any entity,
10 that the receiving entity make available for
11 audit all records pertaining to the expenditure
12 of the funds.

13 (c) PROHIBITION ON THE ACQUISITION OF REAL
14 PROPERTY.—The management entity shall not use Fed-
15 eral funds made available under this Act to acquire real
16 property or any interest in real property.

17 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

18 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

19 (1) IN GENERAL.—The Secretary may, on re-
20 quest of the management entity, provide technical
21 and financial assistance to develop and implement
22 the management plan.

23 (2) PRIORITY FOR ASSISTANCE.—In providing
24 assistance under paragraph (1), the Secretary shall,

1 on request of the management entity, give priority
2 to actions that assist in—

3 (A) conserving the significant archae-
4 ological, historical, cultural, natural, scenic, and
5 recreational resources of the Heritage Area; and

6 (B) providing education, interpretive, and
7 recreational opportunities, consistent with those
8 resources.

9 (b) SPENDING FOR NON-FEDERAL PROPERTY.—

10 (1) IN GENERAL.—The Secretary may spend
11 Federal funds to carry out this Act, especially in as-
12 sisting units of government in appropriate treatment
13 of districts, sites, buildings, structures, and objects
14 on non-Federal property that are listed or eligible
15 for listing on the National Register of Historic
16 Places.

17 (2) STUDIES.—The Historic American Building
18 Survey/Historic American Engineering Record shall
19 conduct any study necessary to document the indus-
20 trial, engineering, building, and architectural history
21 of the Heritage Area.

22 (c) FEDERAL SHARE.—The Federal share of the
23 costs of any project provided assistance under this Act
24 shall not exceed 50 percent.

1 (d) APPLICATION OF FEDERAL LAW.—The establish-
 2 ment of the Heritage Area shall have no effect on the ap-
 3 plication of any Federal law to any property within the
 4 Heritage Area.

5 **SEC. 9. LAND USE REGULATION; APPLICABILITY OF FED-**
 6 **ERAL LAW.**

7 (a) LAND USE REGULATION.—Nothing in this Act—
 8 (1) modifies, enlarges, or diminishes any au-
 9 thority of the Federal, State, or local government to
 10 regulate by law (including by regulation) any use of
 11 land; or

12 (2) grants any power of zoning or land use to
 13 the management entity.

14 (b) APPLICABILITY OF FEDERAL LAW.—Nothing in
 15 this Act—

16 (1) imposes on the Heritage Area, as a result
 17 of the designation of the Heritage Area, any regula-
 18 tion that is more stringent than a regulation applica-
 19 ble to all heritage areas; or

20 (2) authorizes any agency to promulgate a reg-
 21 ulation that is more stringent than any regulation
 22 applicable to the Heritage Area in effect on the date
 23 of enactment of this Act solely as a result of the des-
 24 ignation under this Act.

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The Secretary shall not provide any assistance under
3 this Act after September 20, 2020.

4 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out
6 this Act \$10,000,000.

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